



#5 AG
PATENT 2/15/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,223-I)

In re Application of:

Kapur et al.

Serial No.: 09/624,131

Filed: July 21, 2000

For: Miniaturized Cell Array Methods and
Apparatus for Cell-Based Screening

Art Unit: 1641

Examiner: Cook, L.

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Commissioner for Patents
Washington, D.C. 20231-9999

RESPONSE TO OFFICE ACTION MAILED OCTOBER 2, 2001.

Dear Sir:

The Applicant respectfully requests that the following election and comments be considered in response to the Restriction Requirement, mailed October 2, 2001.

I. Election and Response to Restriction Requirement

The Examiner has issued a restriction requirement asserting that the pending claims encompass three separate inventions: Group I (claims 1-7), Group II (claim 8), Group III (claims 9 and 10) and Group IV (claims 11-14). The Applicants elect the invention of Group IV (claims 11-14) for continued prosecution with traverse.

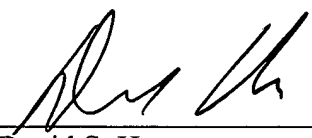
According to the MPEP, a restriction requirement is proper when (A) the inventions are independent or distinct and (B) there is a serious burden on the Examiner in searching the entirety of the claimed invention. MPEP § 803.

The Applicant maintains that the Examiner is not seriously burdened by the scope of the search required to examine all the pending claims (Groups I-IV). Accordingly, the Applicants respectfully request reconsideration and withdrawal of the pending restriction requirement.

If the Examiner believes that a telephone or personal interview would expedite prosecution of the instant application, the Examiner is respectfully invited to call the undersigned attorney at (312) 913-2106.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: February 4, 2001

By: 
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